

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

APCC Services, Inc.,
Data Net Systems, LLC
Davel Communications, Inc.
Jaroth, Inc. dba Pacific Telemanagement
Services, and
Intera Communications Corp.,
Complainants,
v.
Orion Telecommunications Corp.,
Defendant.

File No. EB-02-MD-010

ORDER

Adopted: June 20, 2002

Released: June 21, 2002

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On April 19, 2002, APCC Services, Inc., et al. ("APCC"), filed with this Commission a formal complaint against Orion Telecommunications Corp. ("Orion") pursuant to section 208 of the Communications Act of 1934, as amended (the "Act").

2. On June 3, 2002, the parties filed a Joint Stipulation that resolved the issue of liability in this proceeding.

1 47 U.S.C. § 208.

2 See 47 C.F.R. §§ 64.1300-64.1320. These rules were promulgated to implement section 276 of the Act, 47 U.S.C. § 276.

3 APCC Services, Inc. et al. v. Orion Telecommunications Corp., Joint Stipulation, File No. EB-02-MD-010 (filed June 3, 2002). We note that, although the Joint Stipulation was filed on June 3, it bears the date of May 31, 2002.

Complainants for all compensable completed calls originating from Complainants' Payphones for the period beginning on the date of Defendant's assumption of liability through November 23, 2001."<sup>4</sup> The Joint Stipulation, therefore, resolves the liability stage of this proceeding, and indicates that issues regarding damages are to be determined subsequently.<sup>5</sup>

3. Based upon the Joint Stipulation, we grant the complaint. Pursuant to section 1.722 of the Commission's rules,<sup>6</sup> Complainants must file a supplemental complaint for damages within sixty (60) days of the date of this Order. The supplemental complaint for damages must comply with the requirements set forth in section 1.722 of the Commission's rules.<sup>7</sup>

4. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), 208 and 276 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 208, and 276, sections 64.1300-64.1320 of the Commission's rules, 47 C.F.R. §§ 64.1300-64.1320, and authority delegated by sections 0.111, 0.311, and 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, 1.720-1.736, that the above-captioned complaint IS GRANTED in its entirety.

FEDERAL COMMUNICATIONS COMMISSION

Radhika V. Karmarkar  
Deputy Chief, Market Disputes Resolution Division  
Enforcement Bureau

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<sup>4</sup> *Id.* at 1.

<sup>5</sup> *Id.* at 2.

<sup>6</sup> 47 C.F.R. § 1.722.

<sup>7</sup> *Id.*